2008 MAY 27 PM 1:24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Hector Martin MARQUEZ-Romero, Defendant.	Magistrate Case No.: '08 MJ 1664 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about May 26, 2008, within the Southern District of California, defendant Hector Martin MARQUEZ-Romero, did knowingly and intentionally import approximately 69.45 kilograms (152.79 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th, DAY OF MAY 2008.

HON. Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

MARQUEZ-Romero, Hector Martin

STATEMENT OF FACTS

This complaint is based on the reports, documents and notes furnished to U.S. Immigration and Customs Enforcement Special Agent Elizabeth Cervantes.

On May 26, 2008, at approximately 1230 hours, Hector Martin MARQUEZ-Romero, a citizen of Mexico, applied for entry into the United States from the Republic of Mexico at the San Ysidro Port of Entry. MARQUEZ was the driver and sole occupant of a 1997 Mercury Mountaineer bearing Mexico license plate AHX5955.

During a pre-primary operation, Customs and Border Protection Officer (CBPO) Thomas Trassare approached MARQUEZ and his vehicle at vehicle primary lane seven and asked MARQUEZ what he was bringing from Mexico, which he twice stated he had nothing to declare. MARQUEZ also stated he was on his way to San Diego to have a television installed in his vehicle, which he had purchased approximately one week ago. As MARQUEZ presented this entry document, DSP-150 (Border Crossing Card), vehicle registration and the vehicle keys, CBPO Trassare noticed that MARQUEZ's hands were shaking.

CBPO Trassare proceeded to tap the gas tank noticing that it sounded abnormally solid. CBPO Trassare then requested that CBP Canine Enforcement Officer (CEO) Tommy Ramirez utilized his Narcotic Detector Dog (NDD) Ranger to screen the vehicle. The NDD alerted and responded by scratching the spare tire. MARQUEZ was removed from his vehicle, handcuffed and escorted to the Vehicle Secondary Security Office for continuation of inspection.

Assigned to the Secondary Inspection Lot, CBPO Nelson Perez was informed of the canine alert to the vehicle and proceeded to remove the spare tire of the vehicle. CBPO Perez cut into the tire discovering what appeared to be packages wrapped in duct tape. A sample was removed from one of the packages producing a green leafy substance, which field tested positive for marijuana. CBPO Perez returned to the Vehicle Secondary Security Office and informed MARQUEZ of his arrest for importation of narcotics.

CBPO Perez's continued inspection resulted in the removal of the four vehicle tires and gas tank, which contained a combined total of forty-two packages with a combined weight of 69.45 kilograms (152.79) pounds of marijuana. The packages were wrapped in packaging tape, cellophane, vacuum sealed bags and aluminum foil.

MARQUEZ was advised of his Miranda rights in the Spanish language, which he acknowledged and waived. During the interview, MARQUEZ admitted to knowing there was marijuana in the vehicle's tires and expected to receive $1,000.00 U.S. dollars for this smuggling venture. MARQUEZ also admitted to knowing it was illegal to import marijuana into the United States.